



## FEDERAL VOTING ASSISTANCE PROGRAM

DEPARTMENT OF DEFENSE  
WASHINGTON, DC 20301-1155

September 24, 2008

The Honorable Robin Carnahan  
Secretary of State  
James C. Kirkpatrick State Information Center  
P.O. Box 1767  
Jefferson City, MO 65102-1767

Dear Secretary Carnahan:

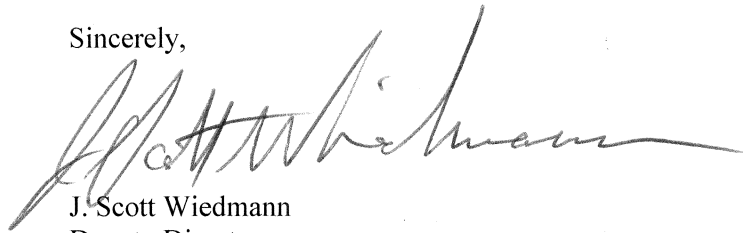
Every year I recommend specific legislative initiatives, which if enacted, would simplify and streamline the absentee voting process used by our citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. I would like to thank you for the work you and the state of Missouri have done over the past several years to promote and support these initiatives.

Recent elections have emphasized the importance of the states enacting the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to quickly respond to a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone, email or by proxy, and utilizing digital signatures with electronically transmitted materials.

After reviewing Missouri's existing election code and procedures, I have identified five initiatives that the Missouri legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Missouri's citizens covered by *UOCAVA*. Information available to FVAP indicates that there are 25,630 Uniformed Services members, an estimated 19,000 family members and approximately 76,500 overseas citizens that claim Missouri as their voting residence.

As you review the enclosed initiatives for possible inclusion in Missouri's 2009 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process used by our *UOCAVA* citizens - let's continue to work together to achieve the simplest possible absentee voting process while maintaining the integrity of our elections.

Sincerely,



J. Scott Wiedmann  
Deputy Director

Enclosure:  
2009 Legislative Initiatives and Suggested Wording



## Missouri 2009 Legislative Initiatives and Sample Language

### Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize that Missouri enacted legislation allowing citizens to send the FPCA via electronic transmission when requesting an absentee ballot and the use of electronic transmission of the voted ballot in certain situations. **We encourage expanded use of this alternative to include electronic transmission of the FPCA for ballot request and registration, electronically sending the ballot to the voter, and accepting the voted ballot electronically from all UOCAVA voters where circumstances would otherwise disenfranchise a citizen.**

### Sample Language

*An applicant who is a member of the United States Uniformed Services or the United States merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may receive absentee ballot applications, provide blank ballots, and accept voted ballots from eligible electors via electronic transmission.*

### Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. **By expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the

ballot to be received, voted and returned to be counted. Twenty states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB voter declaration as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the voter declaration is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or the state deadline for absentee ballot requests, whichever is later.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

### **Sample Language**

- Expanded use of the FWAB:

*If the voter is residing outside the United States or a member of the United States Uniformed Services or a family member of a Uniformed Service member and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.*

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

*If the voter is residing outside the United States, or is a member of the United States Uniformed Services, or a family member of a Uniformed Service member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:*

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*

*(3) the request is received by the appropriate state election official not less than 30 days before the election or the state deadline, whichever is later.*

### **Acceptance of a Signature and Date on Ballot as Evidence of Time of Completion**

We recommend that **Missouri accept the signature and date on a ballot envelope as evidence of the time the ballot was completed by a uniformed service or overseas voter in lieu of a postmark.** Although UOCAVA voters may have voted and mailed their ballot in a timely manner, the ballot envelope may not have been postmarked on that date. By signing and dating the ballot the voter, under penalty of perjury, is certifying that their ballot was voted prior to the close of polls on election day.

#### **Sample Language**

*If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, the ballot shall be counted if it is signed and dated by the voter prior to the close of polls on election day and received by the absentee ballot deadline.*

### **Enfranchise Citizens Who Have Never Resided in the U.S.**

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Sixteen states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

#### **Sample Language**

*If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.*

## **Reference to the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)* in the State Election Code**

Missouri Election Laws do not refer to the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. **Reference to UOCAVA in the state election code** will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application.

### **Sample Language**

This language is usually found under the chapter in the State Election Code that makes reference to Federal elections:

*It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the Federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).*